

IN RE: PETITION FOR ZONING VARIANCE
N/S of Broadway Road, 180' E
of the C/L of Meylston Road
(1216 Broadway Road)
8th Election District
4th Councilmanic District
Harvey M. Hess, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit two side yard setbacks of 35 feet each in lieu of the required 50 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by Harvey Hess, appeared, testified and was represented by Elena DiPietro, Esquire.

Testimony indicated that the subject property, known as 1216 Broadway Road, consists of 1.34 acres zoned R.C. 5 and is currently unimproved. Petitioners purchased the property in January 1989 and propose constructing a single family dwelling thereon. However, due to the unique characteristics of the property being narrow and long, the requested variances are necessary in order to develop the property. Mr. Hess testified that he had spoken to the adjoining property owners who have no objections to Petitioners' request. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record

that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of January 1990 that the Petition for Zoning Variance to permit two side yard setbacks of 35 feet each in lieu of the required 50 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 11-7-89
Posted for: Variance
Petitioner: Harvey M. Hess, et ux
Location of property: N/S of Broadway Road, 180' E of the C/L of Meylston Road, 1216 Broadway Road
Location of Sign: 2nd side of Broadway Road in front of subject property
Remarks: S.D. DiPietro
Posted by: S.D. DiPietro Date of return: 11-10-89
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 082301
DATE: 11/14/89 ACCOUNT: 01-15
AMOUNT: \$ 35.00
RECEIVED: Harvey Hess
FROM: #1216 Broadway Road (Zone # 53)
FOR: Residential Variance
B B 057*****3500: 2046
VALIDATION OR SIGNATURE OF CASHIER

Tracking System

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Date: 11/14/89 Receipt FEE
Number: 06873410101-615208 Zip Code: 21093
Petitioner: Hess (Last) Harvey (First) (Middle Initial)
Property Address: 1216 Broadway Road (Number) (Street)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-195-A
N/S of Broadway, 180' E of c/l of Meylston Road
1216 Broadway Road
8th Election District - 4th Councilmanic
Petitioner(s): Harvey M. Hess, et ux
HEARING: MONDAY, NOVEMBER 27, 1989 at 9:30 a.m.

Variances to permit two side yard setbacks of 35 feet in lieu of the minimum 50 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:
(If "PHASE II" of the "SHOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Mr. & Mrs. Hess
Joseph V. DiPietro, Esq.
File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-195-A
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 307.3.B.3 to permit (2) side yard setbacks of 35' in lieu of the minimum 50'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. The contract for the sale of the land requires the Petitioner to construct a home of at least 2700 square feet
2. Petitioner desires to construct a home that is placed on the lot in a manner that is consistent with the way in which the surrounding homes are placed on their lots.
3. Petitioner's lot is only 150 feet wide and is not wide enough to construct a home as per items 1 and 2 above.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of the petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Address of property at Issue:
1216 Broadway Road
Lutherville, Maryland 21093

Contract Purchaser: Harvey M. Hess
(Type or Print Name)

Signature: Harvey M. Hess

Address: 1216 Broadway Road
City and State: Lutherville, Maryland 21093

Attorney for Petitioner: Joseph V. DiPietro
(Type or Print Name)

Signature: Joseph V. DiPietro

Address: 1216 Broadway Road
City and State: Baltimore, Maryland 21207

Attorney's Telephone No.: 486-6812

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of Sept 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland at 9:30 a.m. on the 27th day of Nov 1989.

ESTIMATED LENGTH OF HEARING: 1 1/2 HRS. (over)
AVAILABLE FOR HEARING: MON/THURS/FRIED. - NEXT TWO MONTHS
ALL OTHER: DATE 8/14/89
REVIEWED BY: 7742 DATE 8/14/89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Harvey M. Hess
7315 Prince George Road
Baltimore, Maryland 21207

Re: Petition for Zoning Variance
CASE NUMBER: 90-195-A
N/S of Broadway, 180' E of c/l of Meylston Road
1216 Broadway Road
8th Election District - 4th Councilmanic
Petitioner(s): Harvey M. Hess, et ux
HEARING: MONDAY, NOVEMBER 27, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Hess:

Please be advised that \$134.58 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST ADDED.

Baltimore County
Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Account: R-001650
Number: 428

receipt

90-195

ZONING DESCRIPTION

BEGINNING for the same at a point distant 150 feet from the corner formed by the intersection of the north side of the Broadway Road with the northeast side of a 40 foot road, now known as Meylston Drive, as set forth in a Deed dated June 21, 1945 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1393, folio 220 from George A. Meyls, Jr. and wife to George E. Swen and wife, and running thence binding on the north side of said Broadway Road, fourth 85 degrees 52 minutes East 150 feet, thence leaving said road and running for lines of division, the two following courses and distances, viz: North 4 degrees 08 minutes East 410.87 feet and South 78 degrees 27 minutes West 155.8 feet thence South 4 degrees 08 minutes West 366.75 feet to the place of beginning. Containing 1.34 acres of land, more or less.

BEING the same lot of ground which by Deed dated August 31, 1984 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6225, folio 626 was granted and conveyed from Carl Berenholts and Judith C. Berenholts, unto Richard M. Sannis and Dorothy Sannis, his wife, the Grantors, herein.

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 2, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 1, 1989

TOWSON TIMES.

S. Zache Orlean
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 2, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 2, 1989

THE JEFFERSONIAN.

S. Zache Orlean
Publisher

Valuation

Assuming the property is free of all leases, and appraised as an individual site:

Final Estimate of Value

N/s Broadway Road
8th Election District
Baltimore County, Maryland

DEC 1 1989

ZONING OFFICE

Lot - 58,370 sq. ft.
Zoned RC-5, \$2.08/sq. ft. = \$121,410.00 Say \$121,400.00
Improvements: Stable 4,500.00
Fencing 2,000.00
Total \$127,900.00 in fee

Included in the rear of this report is the tax map and location map indicating the location of the property.

Appraiser's Comments

The information upon which this analysis has been based is retained in our files, but can be made available upon request.

If you have any questions about this appraisal, please let me know.

Sincerely,

Bernard F. Semon
Bernard F. Semon

BFS:vb

PHOTOGRAPHS



View of property from the southwest corner of Broadway Road

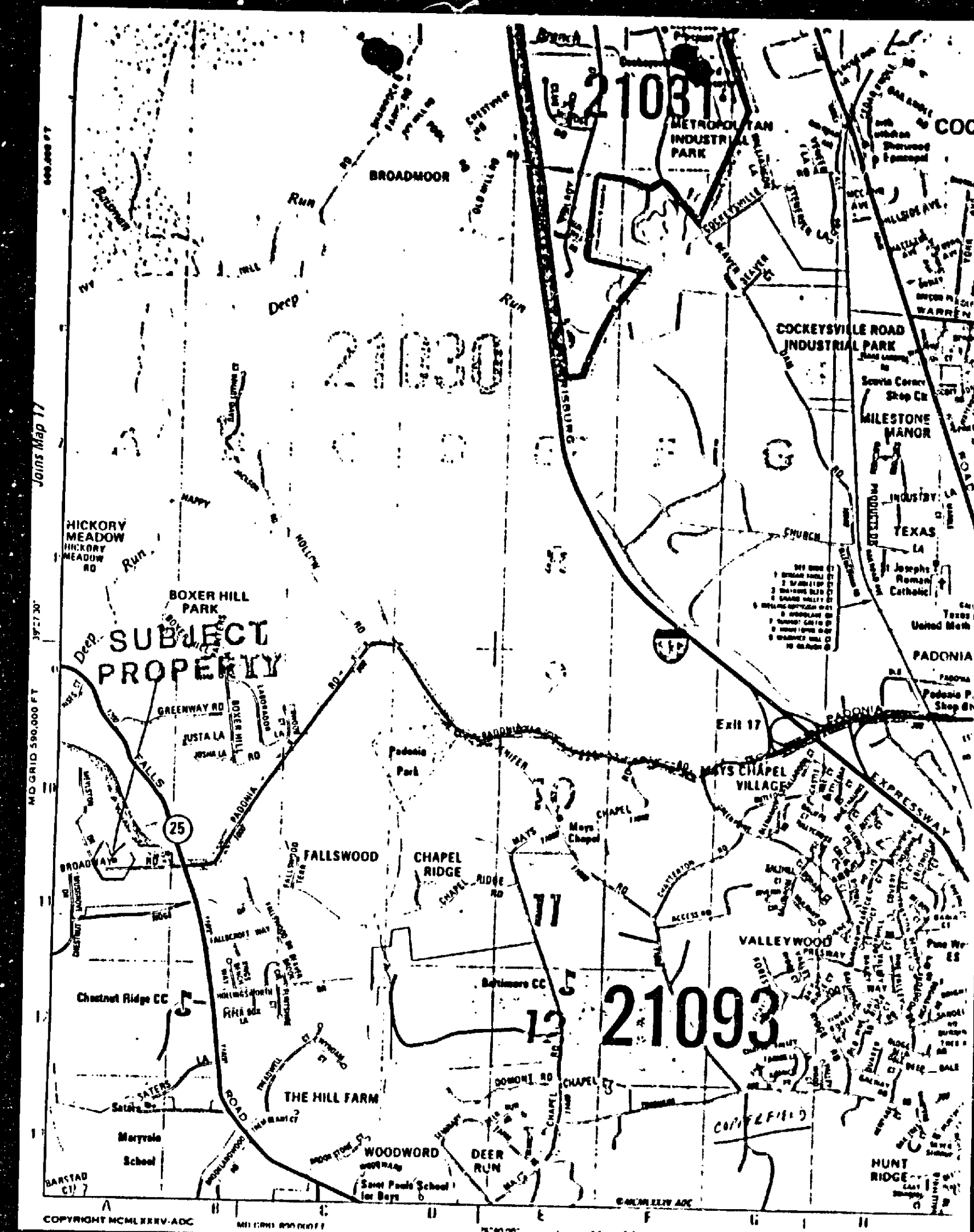


View of property from the southeast corner of Broadway Road

PHOTOGRAPHS - CONTD.



Broadway Road looking east



Alternatives, Inc.

November 30, 1989

Baltimore County Department of Zoning
Towson, Md. 21204

RECEIVED
DEC 1 1989

Re: 1216 Broadway
Lutherville, Md
Hess Residence

ZONING OFFICE

Dear Board Members:

In order to develop the site house required by Mr. & Mrs. Hess and current neighborhood standards, the additional 30' of wide yard setback is needed so that the entire area would not be infringed upon. In addition, the vertical height required for a dwelling only 50' wide incorporating the square footage needed, would not be in keeping with the neighboring dwellings.

The current design incorporating a series of setbacks from Broadway so as not to appear to have its entire length of 72' in line with existing dwellings. The 6' building envelope asked for will allow better positioning of the house to accommodate vehicles entering the side loading garage.

If you have any questions requiring the design, please do not hesitate to contact me.

Sincerely,

Michael L. Bowers III
Michael L. Bowers III
President

12420 Happy Hollow Road, Hunt Valley, Maryland 21030, 301/252-0466

November 30, 1989

Baltimore County Department of Zoning
Towson, Md. 21204

RECEIVED
DEC 1 1989

Re: 1216 Broadway
Lutherville,
Hess Residence

ZONING OFFICE

Dear Board Members:

As a neighbor to the rear of the property located at 1216 Broadway Road, we have no objection whatsoever to the variance applied for by Mr. & Mrs. Harvey Hess. We have reviewed the plans for this house and understand that due to the layout of the property there is a 35 foot setback necessitated as opposed to the required 50 foot setback. After reviewing the architect's drawings, we have no problem with the design. We, in fact, look forward to having this house in our neighborhood and the Hesses as neighbors.

Sincerely,

R. M. Sammis
R. M. Sammis

1218 Broadway Road
Lutherville, Maryland 21093
November 28, 1989

RECEIVED
DEC 1 1989

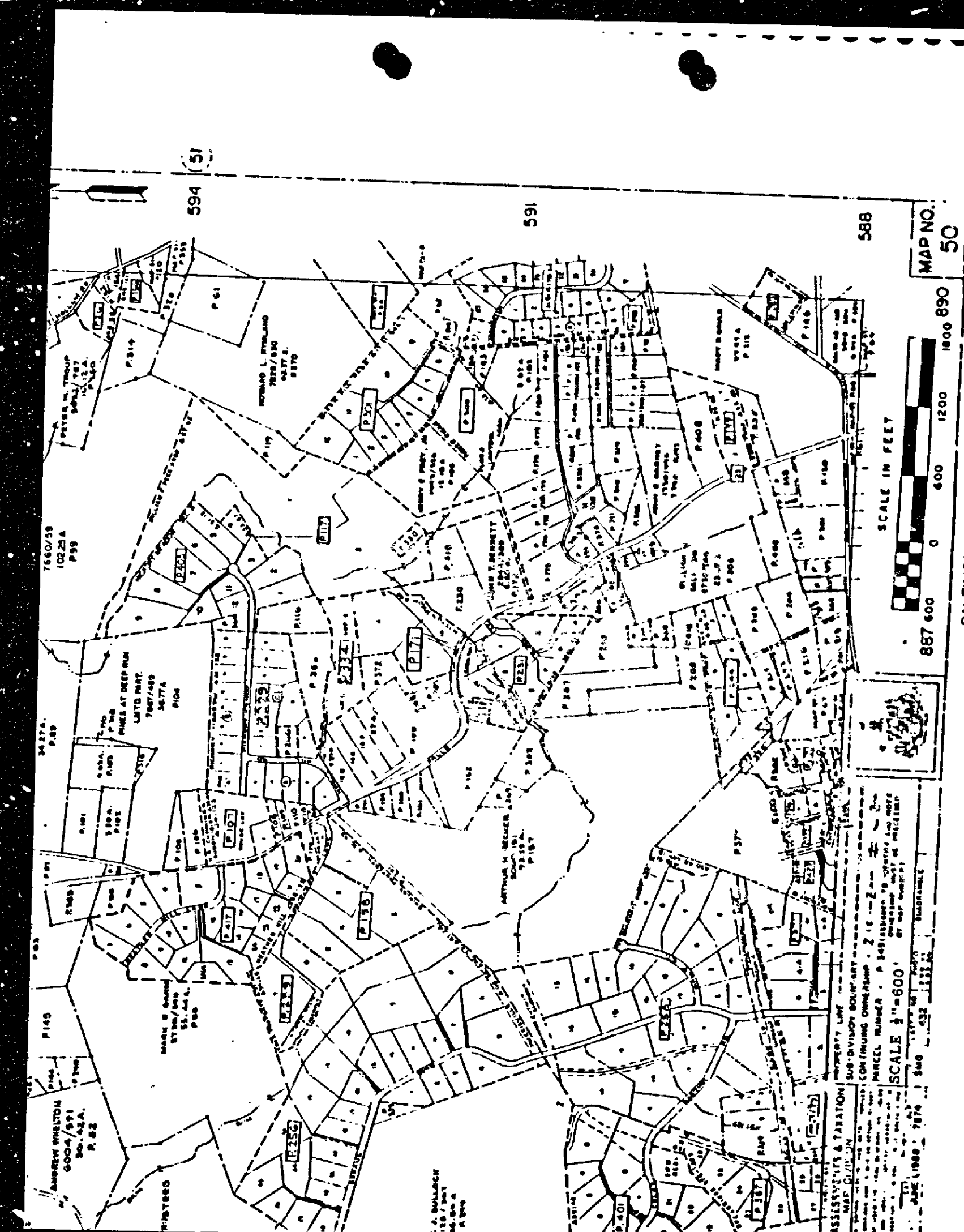
ZONING OFFICE

TO WHOM IT MAY CONCERN:

As an adjoining neighbor to the property located at 1216 Broadway Road, we have no objection to the variance applied for by Mr. and Mrs. Harvey Hess. We have seen the plans for this house and understand that due to the layout of the property there is a 35 foot setback necessitated as opposed to the required 50 foot setback. When reviewing the architect's drawings one must conclude this house will be in keeping with the other houses in this neighborhood.

Giles W. Riesner
Giles W. Riesner

Mary A. Riesner
Mary A. Riesner



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: November 3, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Zoning Petition No. 90-195A
Harvey M. Hess, Item 53

The Petitioner requests a Variance to permit side yard setbacks of 35 feet in lieu of 50 feet.

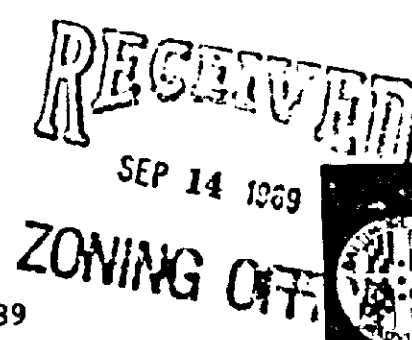
In reference to this request, Staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:qgl
ZPVARI0U

NOV 08 1989

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554



September 5, 1989

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
(301) 887-4300

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 4, 26, 44, 45, 46, 47, 48, 49, 51, 52, 53, and 55.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw

SEP 10 1989

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

SEP 13 1989

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 53, Zoning Advisory Committee Meeting of August 15, 1989
Property Owner: Harvey M. Hess, et ux
Location: N/S of Broadway, N/E of centerline of Mayhew Rd. District 2
Water Supply: private Sewage Disposal: private

- COMMENTS ARE AS FOLLOWS:
- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
 - () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
 - () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
 - () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
 - () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
 - () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sauna, ship/pools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 887-6500 x 315.
 - () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
 - () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
 - () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3743, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
 - () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3743.
 - () Soil percolation tests, have been 1 must be conducted.
() The results are valid until JULY 5, 1991.
() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
 - () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
 - () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until JULY 5, 1991.
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
 - () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
 - () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
 - () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
 - () Others

John A. Cichy
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4300
Paul H. Reincke
Chief

AUGUST 10, 1989



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: HARVEY M. HESS
Location: N/S OF BROADWAY
Item No.: 53 Zoning Agenda: AUGUST 15, 1989

Gentlemen:

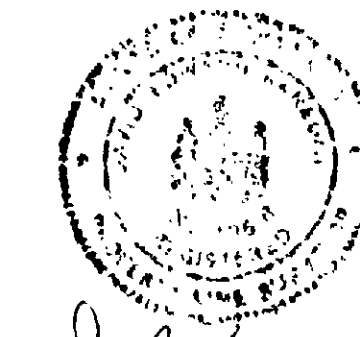
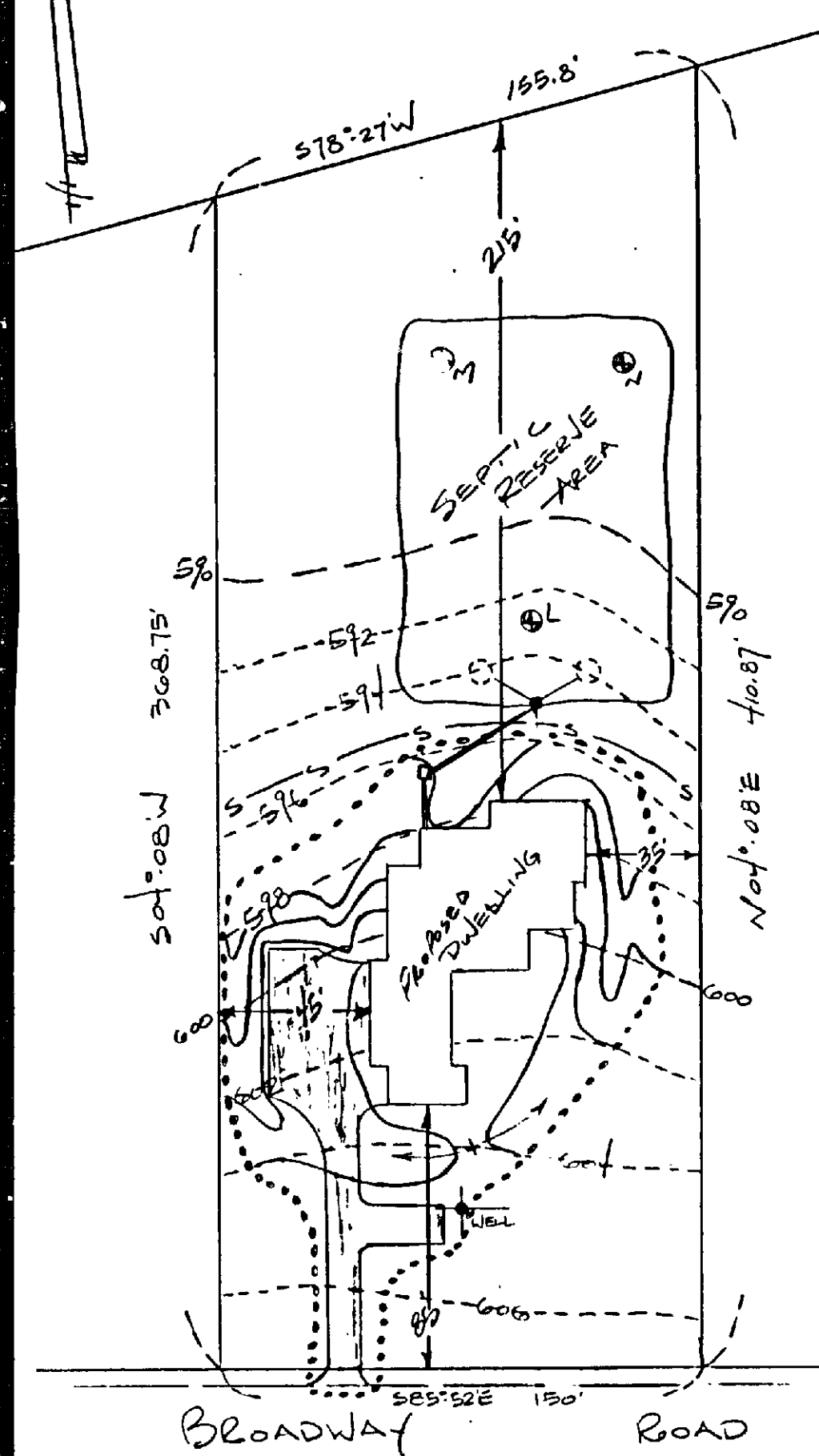
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl J. Kelly* 8-10-89 Noted and Approved *Carl J. Kelly*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

AUG 11 1989



80' W. B. C. 10.
P. R. R. R.
N. 1210 BROADWAY ROAD
REF:
AREA: 1.34 AC.

DEVELOPER'S LIST OF
DISTURBED AREAS
DATE 8-1-89
HOUSE 27-4
LAND 11,700
TOTAL 18,200

NOTE: SUB AREA SATISFIED
BASED ON 20-1-89 ORDER
DATED 1-12-90
CASE No. 90-175-A

SCALE 1"=50' 4-23-90

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21204

5/19/90

